DOCUMENT RESUME

ED 274 023 CS 505 399

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TITLE Decision Rule as a Determinant of Time and Verdict in Small Juries.
PUB DATE May 86
NOTE 40p.; Paper presented at the Annual Meeting of the Eastern Communication Association (77th, Atlantic City, NJ, April 30-May 3, 1986).
PUB TYPE Reports - Research/Technical (143) -- Speeches/Conference Papers (150) -- Tests/Evaluation Instruments (160)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Cognitive Processes; *Communication Research; *Court Litigation; *Decision Making; Higher Education; *Persuasive Discourse; *Time
IDENTIFIERS *Decision Rules; *Juries

ABSTRACT

A study focused on the effect of assigned social decision rule on the process and product of mock jury deliberations. Subjects, 360 college students, were randomly assigned to six-member juries under three decision rule conditions: unanimity, five-sixths majority, and two-thirds majority. After viewing a videotape of a criminal trial, each subject completed a predeliberation questionnaire about the arguments advanced by the prosecution and defense during the trial. They then deliberated until the assigned social decision rule was reached. Following deliberation, each subject completed a postdeliberation questionnaire about the prosecution and defense arguments generated during the deliberations. Results showed significant differences in the amount of time spent in deliberation by the three assigned conditions, with the more strict decision rules requiring the greatest time in deliberation. Decision rules also affected juror verdict preferences, with the five-sixths majority juries showing preferences for less severe verdicts. The findings are consistent with the Supreme Court decision in "Burch v. Louisiana," which disallowed less than unanimous decisions in small juries. References and materials used in the study are appended. These include the pre- and post-deliberation questionnaires, pre- and post-deliberation decision forms; instructions to jurors under all three decision rules, and eight data tables. (FL)

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Decision Rule as a Determinant of Time and Verdict in Small Juries

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Paper Presented at the

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Atlantic City, New Jersey

May 1986

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Decision Rule as a Determinant of Time and Verdict in Small Juries

This study focused on the effect of assigned social decision rule on the process and product of mock jury deliberations. Three hundred and sixty students from an eastern university served as jurors for the experiment. They were randomly assigned into six-member juries under three decision rule conditions: unanimity, five-sixths, and two-thirds majority. After viewing a video-tape of a criminal trial, subjects filled out a pre-deliberation questionnaire about the arguments advanced by the prosecution and defense during the trial. Subjects deliberated until the assigned social decision rule was reached. Upon completing deliberations, subjects filled out a post-deliberation questionnaire about the prosecution and defense arguments generated during deliberations.

The cognitive response approach was the measurement method utilized in this study. The dependent variables were juror verdict preferences and certainty, and deliberation time. The One-Way Analysis of Variance was the data analysis technique employed. The results showed significant differences in the amount of time spent in deliberation by the three assigned social decision rule conditions. There was a significant difference between juror verdict preferences before and after deliberation. The findings are consistent with the decision of the Supreme Court in Burch v. Louisiana, (1979) that disallowed less than unanimous decisions in small juries.

The right to a fair trial is guaranteed by the Sixth Amendment and applied to the States through the 14th Amendment. Since the U.S. Supreme Court is responsible for interpreting the law of the land, it has been confronted with estimating the exact intent of the framers of the Constitution. It has had to respond to the issue of whether the Sixth Amendment contains any reference to decision rule, size, and all other procedural requirements.

The requirement of unanimity has been traditionally viewed as adding credibility to the decision of the jury. A complete deliberation is an indication that guilt has been found beyond a reasonable doubt. Unanimity ensures that the verdict actually expresses the conscience and aspirations of the community.

Despite the controversy over the precise origin of the unanimity rule, the Supreme Court has always recognized the requirement of unanimity as a component of the Sixth Amendment guarantee of a fair trial in criminal cases. However, in Johnson v. Louisiana (1972) and Apocada v. Oregon (1972), the Supreme Court stated that the due process clause of the Fourteenth Amendment was not violated by the provision for conviction by less than a unanimous verdict.

The debate over the appropriate decision rule, as prescribed by the Sixth Amendment, continued until the Supreme Court decided that six-member juries had to be unanimous in Burch v. Louisiana (1979).

Daniel Burch and Westle, Inc., the defendants, were convicted of exhibiting obscene motion pictures, under a Louisiana Statute that allowed for a verdict of five out of six jurors. In upholding the Lower Court's decision, the Louisiana Supreme Court reasoned that "If 75 percent

concurrence (9/12) was enough for a verdict in Johnson v. Louisiana (1972), then requiring 83 percent concurrence (5/6) ought to be within the permissible limits of Johnson" (p. 838). The Supreme Court disagreed with the Louisiana Supreme Court stating that allowing for non-unanimous six-member juries presents a threat to the preservation of the substance of jury trial as guaranteed by the Sixth Amendment.

Social decision rule consists of implicit and explicit components. Explicit social decision rule is synonymous with assigned social decision rule, while implicit decision rule refers to unspecified operating decision rules. Davis (1970) studied implicit decision rules and found that each alternative had equal probability of being chosen to be the group decision. Another study by Johnson and Davis (1972) found no differences in decisions made by groups operating under three decision rules: dictatorship, unanimity, and no assigned social decision rule. Other studies dealing with assigned social decision rule have found no significant difference on verdict distribution (Bray, 1974; Bray & Struckman-Johnson, 1977; Davis et al., 1975; Hans, 1978; Kerr et al., 1976; Nemeth, 1977). However, most of these studies did not consider the effect of the deliberation process on verdict distributions.

Saks (1977) conducted an experiment on the effect and size and assigned social decision rule and found no significant differences in the verdicts of both small and large juries under different decision rules. Another study conducted by Roper (1980) found no significant relationship between different sized juries under different social decision rules in their accuracy of evidence recall.

The use of size and decision rule in the present study appears to be consistent with previous findings. Since the Supreme Court has set the size limit at six and research indicates that six-member juries are statistically equivalent to twelve-member juries, it is appropriate to use six-member juries. Although the Supreme Court has refused to allow non-unanimous verdicts in six-member juries, there is an indication that the decision is subject to change. First, the present interest of the Supreme Court is on the efficiency of the criminal disposition process, while the states are concerned with both efficiency and a reduction in the cost of judicial administration. Second, the Court has been known to welcome experimentation schemes by states aimed at improving judicial efficiency. In deciding cases, Particular attention is also given by the court to the popularity of certain ideas in the states. All these reasons make it imperative that as soon as the utility of non-unanimous verdicts are clearly determined, the Court will alter its decisions. Studies of this nature will aid the determination of differences between unanimous and non-unanimous six-member juries. Three decision rules (unanimous, five-sixths majority, and two-thirds majority) are utilized in this study to increase the detectability of the differences.

Assigned Social Decision Rule and Deliberation Time

Deliberation time is used to describe the time between the commencement of deliberation until the termination of deliberation. The amount of time spent in deliberation by a jury is an essential part of its role as a jury. Deliberation is not complete until all the evidence has been discussed and a decision reached as to the guilt or innocence of the defendant. However, assigned social decision rule plays an important role in determining the time juries spend in deliberation. Hence jurors often take polls to ascertain

whether the required decision rule has been reached. Though the Supreme Court felt that decision rule does not affect the time spent in deliberation by twelve-member juries (Johnson v. Louisiana, 1972), their opinion was altered in Burch v. Louisiana (1979) by refusing to extend it to six-member juries. Since deliberation time appears to be one of the unstated considerations that influenced the Court's decision, the following four hypotheses were tested to examine the relationship between assigned social decision rule and deliberation time.

1. There is a significant difference in the length of time spent in deliberation by unanimous, five-sixths majority, and two-thirds majority juries.

2. Juries required to reach unanimity will spend significantly more time in deliberation than those required to reach five-sixths majority decision.

3. Juries required to reach unanimity will spend significantly more time in deliberation than those required to reach two-thirds majority decision.

4. Juries required to reach five-sixths majority decision will spend significantly more time in deliberation than those required to reach two-thirds majority decision.

Assigned Social Decision Rule and the Product of Deliberation

When comparing jurors to juries in verdict preferences, the effect of deliberation becomes more obvious. (Jurors acting on their own have been found to be more likely to convict than juries). Jurors have also been found to be more pro-conviction before than after deliberation. (Davis et al., 1975, 1977,1978;

Stasser & Davis, 1977) found that 64% of individual mock jurors were pro-conviction before deliberation, while 49% favored conviction after deliberation. To understand the effect of social decision rule on the product of deliberation the following hypotheses were tested.

Verdict Preferences: Major Hypotheses

1. There is a significant difference between verdict preferences of jurors before and after deliberation.

2. There is a significant difference between verdict preferences of unanimous, five-sixths majority, and two-thirds majority juries.

Certainty of Verdict: Major Hypotheses

1. There is a significant difference between the certainty of verdict for jurors before and after deliberation.

2. There is a significant difference between the certainty of verdicts for jurors assigned to unanimous, five-sixths majority, and two-thirds majority juries.

Procedure

Three hundred sixty students enrolled in undergraduate communication courses in an eastern university served as subjects for this study. They were solicited from sections of the courses and offered extra credit for participation in the experiment. Subjects were randomly assigned into different social decision rule conditions prior to being exposed to video-taped trial.

Subjects were shown a three-hour video-taped presentation of a trial. The trial was obtained from the Franklin County Courts in Columbus, Ohio. It was a criminal trial that took place in June, 1975, involving the defendant James E. Harrison. He was charged with breaking and entering a fabric store.

The charges filed by the prosecutor also included force, trespass, and intent or purpose to steal.

Although the original jury found the defendant guilty of trespass, a strong possibility exists for breaking and entering. This possibility of multiple verdicts makes this case appropriate stimulus material for a study of this nature.

Before viewing the video-taped trial, subjects were randomly assigned to groups of six and instructed to act as jurors and informed of the decision rule their jury would follow.

After seeing the video-tape, the jurors were asked to record all the arguments that were raised during the trial.

All the other variables including verdict, certainty of verdict, and time of deliberation were appropriately recorded.

One-Way Analysis of Variance was used to test the effect of assigned social decision rule on deliberation time, verdict, and verdict preferences.

Critics of the use of students in jury experimentation have identified some problems with it. First, some studies reveal that the behavioral orientation of students appears to be different from that of the general population (Kessler, 1975; Simon, 1975; Forston, 1972). Secondly, student attitudes differ from those of other members of society. According to Roper (1980), students tend to be more liberal in their political views, and their education may train them to be more attentive during presentations. How do these claims by Roper affect this study? To start with, the liberal reputation of student was developed from the sixties and seventies. Contrary to attitudes of their counterparts of the past two decades, students today appear to be much more conservative.

Second, the issue of information retention can increase the validity of this study. A higher retention increases the detectability of variables that are operative in jury deliberation process. Since using subjects with lower retention ability will underestimate the effect of certain variables, the purpose of this study is best served by utilizing subjects possessing high retention ability.

Another limitation is the use of a video-taped trial for jury viewing instead of a live presentation. Miller (1976) reported that jurors exposed to a video-taped case arrived at similar judgments with those exposed to a live version. The use of video-taped trials can serve as a viable alternative to live presentations because of the existence of both verbal and non-verbal information. Since students are accustomed to receiving stimulus materials through television, they make the most appropriate subjects for picking up trial relevant arguments that enhance the deliberation process.

The final limitation of this study is the use of six-member juries. Since the Supreme Court's decision in Williams v. Florida (1970) and Ballew v. Georgia (1978), it has become clear that the use of six-member juries is Constitutional. In addition, studies comparing twelve- to six-member juries have found no signficant difference between them. (Mills, 1973; Kessler, 1973; Roper, 1980; and Tarter, 1983).

Results

To test the relationship between assigned social decisionn rule and deliberation time, the total deliberation period for each jury was timed and recorded. The BMDP4V Statistical Package for One Way Analysis of Variance was utilized in analyzing the data generated. As previously stated, the major hypothesis is that there is a significant difference in the length of

time spent in deliberation by unanimous, five-sixths majority, and two-thirds majority juries.

The results indicated that the mean deliberation time was longest for juries required to reach unanimity (28 minutes), followed by juries required to reach five-sixths majority decision (20 minutes), and then those required to reach two-thirds majority decision (14 minutes). Despite the fact that these mean deliberation times appear to be small, the differences between the decision rule conditions are very obvious. (See Table 1).

An analysis of variance shows that the means of the three levels of assigned social decision rule were significantly different from each other ($F=15.3035$, $p=0.0013$), than those required to reach five-sixths majority decision.

Regarding the third hypothesis, the results show that juries required to reach unanimity significantly spent more time in deliberation than those required to reach a two-thirds majority decision ($F=30.06$, $p=0.0000$).

It has been established that juries required to reach unanimity spend significantly more time in deliberation than both five-sixths and two-thirds majority juries. Consistent with the fourth research hypothesis, the five-sixths majority juries significantly spent more time in deliberation than the two-thirds majority juries ($F=4.41$, $p=0.0403$).

The Product of Deliberation and Assigned Social Decision Rule

Individual juror verdict preferences and certainty of verdict were measured prior to and after deliberation. Verdict preferences and certainty of verdict were measured on a three point and seven point scale respectively. The data generated was utilized in the examination of the relationship between assigned social decision rule and the product of deliberation. (See

Tables 2-3).

Verdict Preferences

The first main effects hypothesis showed a significant difference as predicted ($F=4749.05$, $p=0.0000$) between juror verdict preferences before and after deliberations. A consideration of the before deliberation period showed a significant difference between subjects in verdict preferences ($F=7200.99$, $p=0.0000$). The after deliberation period also indicates significant differences as expected ($F=8623.11$, $p=0.0000$).

As predicted in the second hypothesis, a significant difference was found between the assigned social decision rule conditions ($F=3.34$, $p=0.0101$). Though social decision rule was sigificant, the verdict preferences before deliberation was not significantly different for the three groups ($F=5.50$, $p=0.0790$). When jurors in the unanimous condition were compared to those in the five-sixths majority condition, significant difference was found overall ($F=3.84$, $p=0.0224$), as well as before deliberation ($F=6.09$, $p=0.0086$). No significance was found in comparing jurors in the unanimous condition to those in the two-thirds condition ($F=1.30$, $p=0.2747$). There was overall ($F=4.91$, $p=0.0024$) significance in comparing the five-sixths to the two-thirds majority jurors. Unanimous and two-thirds majority jurors appeared to have more severe verdict preferences.

Certainty of Verdict

To find out the level of certainty of jurors regarding their verdict preferences, two main effects hypotheses were tested. (See Tables 4-5). The results from Table 5 indicate a significant mean difference in mean certainty of verdict as a result of deliberation ($F=20179.48$, $p=0.0000$). There was a significant difference in mean certainty before deliberations

(F=13218.24, p=0.0000), and after deliberations (F=37748.20, p=0.0000). Unfortunately, assigned social decision rule and all other comparisons showed no significance.

Conclusions

The first conclusion is that decision rule does affect the amount of time spent in deliberation by juries. As previously mentioned, the mean deliberation times were less than previous research (Saks, 1977). Five reasons are plausible for these small mean deliberation times. First is that students are better problem solvers and are used to receiving stimulus materials through television. This enables the subjects in this study to analyze and discuss all the relevant issues from the trial. An examination of the audiotapes from the deliberations showed that the subjects concentrated mainly on informational aspects of their interactions rather than the normative aspects. They perceived their task in the light of a test of ability and performed efficient and effective role-playing.

Another factor responsible for the mean deliberation times is the measurement technique that was utilized in this study. The listing of arguments enabled subjects to organize their thoughts before actual deliberations. While filling out the pre-deliberation questionnaire, the subjects actually cognitively processed and evaluated the arguments they remembered from the trials before listing them. However, actual juries usually process, recall and evaluate the arguments from the trail during deliberations. This could be one of the reasons for the lengthy deliberation times of actual juries. An analysis of the audiotapes from the deliberations indicate that subjects actually raised most of the arguments listed in their predeliberation questionnaire.

A third reason for the mean deliberation times can be related to the fact that juries concentrate on areas of disagreement and on persuading dissenters. The audiotapes from the deliberations indicate that subjects reviewed the facts of the case and then proceeded to discuss issues of disagreement before any votes were taken. The jurors performed efficiently and effectively, as task oriented groups, during the deliberations.

The fourth major reason for the deliberation times was the nature of the trial. It enabled the students to identify all the relevant issues necessary for an efficient and effective deliberation process. Since three verdict preferences (not guilty, guilty of trespass, and breaking and entering) were provided as final decisions, instead of two (guilty and not guilty), the jurors were able to choose one verdict close enough to their preferences. This in turn reduced the time of deliberations because it became easier to compare facts of the case to each verdict.

The final reasons for the deliberation times is related to the conformity effect theory. During small group interaction, the more people who agree with some position, the more likely it is that other people will go along. According to White (1975), it is usually sufficient for a person to merely know how many other people support a particular position for conformity effect to occur. The audiotapes from the deliberations indicate that when a position was stated, supporters were identified before any discussion. When at least five out of the six members agreed, it was easier to convince the lone dissenter than multiple dissenters.

Despite all these factors that affected the time spent in deliberations, it was still possible to detect the differences between the assigned social decision rule conditions. These results indicate that the stricter the decision

rule assigned, the more time the juries spent in deliberation. Unanimous juries significantly spent more time in deliberation than the majority juries, while five-sixths majority juries significantly spent more time in deliberation than two-thirds majority juries. This coincides with past research indicating that non-unanimous juries halt deliberation as soon as enough votes are obtained (Davis et al., 1975; Hans, 1979; Kerr et al., 1976; Nemeth, 1977; Saks, 1977). Although unanimous juries also cease deliberations after all members agree, they meet the beyond a reasonable doubt principle. Unanimous juries properly fulfill their obligations by maintaining the reasonable doubt standard. Since unanimous juries spend more time deliberating, the individual juror's opportunity to participate is increased.

The second conclusion is that decision rule does affect juror verdict preferences and certainty. Unanimous and two-thirds majority juries did not show any significant differences as a result of verdict preferences, while the five-sixths majority juries significantly had less severe verdict preferences. Verdict certainty showed no significant difference as a result of assigned social decision rule. Juror verdict preferences and certainty were found to have significant differences as a result of deliberations. This is consistent with previous research indicating alterations in juror verdict preferences as a result of deliberation. Myers and Kaplan (1976) found that jurors increased their guilty ratings in a case with incriminating evidence as a result of discussion, while Stasser (1977) reported that 64% of individual mock jurors voted for conviction before deliberation and only 49% favored conviction after deliberation. These changes in juror verdict preferences, as a result of deliberation, can be attributed to exposure to more information during deliberation. An individual's predeliberation opinion is based on his perception

of trial evidence and his personal bias. However, during deliberation the juror is exposed to informational and normative influences that alter his perception. The sharing of trial information along with persuasive exchanges with other jurors, determines the final verdict preferences for a particular juror. When decision rule is applied to this scenario, a juror's opportunity to share information and be influenced by others increases as a result of stricter decision rules. Jurors in the unanimous condition will have more opportunity to interact than those in majority rule juries. Past research indicates that the opportunity to participate is greater in smaller groups than in larger groups. Kessler (1973) compared six- to twelve-member juries deliberating on a civil case. This study showed that two of the 48 members (4%) of the small group failed to participate, while 24 out of 96 members (25%) of the larger group did not participate. Since six-member juries were utilized for this study, the conclusion is that jurors assigned to unanimous juries have a greater opportunity to participate than those in majority juries of the same size.

Both conclusions do support the decision of the Supreme Court in Burch v. Louisiana (1979) not to allow non-unanimous six-member juries. However, as the cost of criminal justice administration continues to rise, States will look for avenue for procedural change. Non-unanimous decision rule in six-member juries will be an attractive area for States to make these procedural modifications. The decision to disallow non-unanimous verdicts in six-member juries will be temporary because of two reasons. First is the recognition of prevailing State practices by the Supreme Court in deciding Burch v. Louisiana (1979). Secondly, three members of the Court, former Chief Justice Burger, new Chief Justice Rheinquist, and Mr. Justice Powell,

have refused to accept the total incorporation of the Sixth Amendment by the Fourteenth Amendment. This can only mean that as soon as these justices gain a majority, States will be left alone to decide such procedural matters without Federal interference.

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APPENDIX A

Pre-Deliberation Questionnaire

Name: _____

Section I

Please list all the arguments you can remember from the trial you have just heard. Try to state each argument in a single sentence in the rectangular boxes provided. After you have listed as many arguments as you can think of, please fill out the information about each argument in the columns to the right of the boxes. Indicate whether the argument favored the prosecution (put a "1" in Column A), if you couldn't decide who the argument favored (put a "2" in Column A), or whether the argument favored the defense (put a "3" in Column A). Use a seven point scale to indicate the importance of each argument in Column B (1=low, 4=average, 7=highly important).

WRITE	A	B
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___

APPENDIX A

Pre-Deliberation Questionnaire

Section II

Please list all the arguments you feel should have been considered during the trial but were not. Again indicate whether the argument favored the prosecution (put "1" in Column A), if you couldn't decide who the argument favored (put "2" in Column A), or whether the argument favored the defense (put "3" in Column A). Use a seven point scale to indicate the importance of each argument in Column B (1=low, 4=average, 7=highly important).

WRITE	A	B
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
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APPENDIX A

Post-Deliberation Questionnaire

The Post-Deliberation Questionnaire has Sections I & II. In Section I please list all of the arguments you can remember that were raised during the deliberation in your jury. In Section II, please list all the arguments you feel should have been considered but were not. Again, indicate whether the argument favored the prosecution (put "1" in Column A), if you couldn't decide who the argument favored (put "2" in Column A), or whether the argument favored the defense (put "3" in Column A). Use a seven point scale to indicate the importance of each argument in Column B (1=low, 4=average, 7=highly important).

WRITE	A	B
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___

APPENDIX A

Post-Deliberation Questionnaire

Section II

Please list all the other arguments you feel should have been considered during deliberations but were not. Again indicate whether the argument favored the prosecution (put "1" in Column A), if you couldn't decide who the argument favored (put "2" in Column A), or whether the arguments favored the defense (put "3" in Column A). Also rate each argument for importance on a scale of 1 to 7 in Column B.

WRITE	A	B
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___
_____	___	___

APPENDIX B

Preliminary Decision

Name _____ Age _____ Sex _____

Year in School _____ Major _____

Have you ever participated in a real jury? _____

We know that your final decision cannot be made until after deliberation, but please indicate your feelings about the guilt or innocence of the defendant at this time. Check one of the following verdicts that you believe best estimates your decision at this time. Also indicate the certainty of your decision on a scale of one to seven in the space provided. Where 1 = not very certain; 4 = about average certainty; and 7 = very certain.

VERDICT	CERTAINTY OF VERDICT
For example: Guilty of arson	5
The defendant is:	
Not Guilty _____	_____
Guilty of Trespassing _____	_____
Guilty of Breaking and Entering _____	_____

APPENDIX B

Post-Deliberation Decision

Even though your jury has reached a decision, you might have your personal verdict and certainty. Please indicate your personal decision and certainty of the decision in the following form. Check the decision and on a scale from one to seven indicate the certainty of your decision. Where 1 = not very certain; 4 = average certainty; and 7 = very certain.

VERDICT	CERTAINTY OF VERDICT
For example: Guilty of arson	3
The defendant is:	
Not Guilty _____	_____
Guilty of Trespassing _____	_____
Guilty of Breaking and Entering _____	_____

APPENDIX C

Jury Assignment

You have been assigned to jury ____ meeting in room _____.

Instructions to All Jurors

The study in which you are about to participate is one involving juries. You and five other members of this jury will be asked to weigh the facts presented in a case and arrive at a decision as to the guilt or innocence of the defendant. The case will be presented through the television screen in this room. Please listen to all the facts before arriving at any conclusions. You will not be permitted to take notes during the trial, but you will be provided a form to record your thoughts at the end of the trial.

APPENDIX C

Instructions to Jurors in the Unanimous Condition

Now that you have viewed the trial and recorded your feelings about the case, you can begin to deliberate. Your job as a jury is to weigh all of the evidence and arrive at a unanimous verdict of at least six out of the six members concerning the charges against the defendant. At some time during the deliberation you should select a foreman, in any manner you see fit, to present the verdict of your jury. You may deliberate as long as you feel necessary, and your deliberation will be recorded.

The law requires that you reach any of the following decisions:

-Find for a verdict of guilty of trespassing only when beyond a reasonable doubt the defendant is guilty of trespassing.

-Find for a verdict of guilty of breaking and entering only when beyond a reasonable doubt the defendant is guilty of breaking and entering.

-Find for a verdict of not guilty when a reasonable doubt exists as to the guilt of the defendant.

Thank you very much for your cooperation.

APPENDIX C

Instructions to Jurors in the Five-Sixths Majority Condition

Now that you have viewed the trial and recorded your feelings about the case, you can begin to deliberate. Your job as a jury is to weigh all of the evidence and arrive at a majority verdict of at least five out of the six members concerning the charges against the defendant. At some time during the deliberation you should select a foreman, in any manner you see fit, to present the verdict of your jury. You may deliberate as long as you feel necessary, and your deliberation will be recorded.

The law requires that you reach any of the following decisions:

-Find for a verdict of guilty of trespassing only when beyond a reasonable doubt the defendant is guilty of trespassing.

-Find for a verdict of guilty of breaking and entering only when beyond a reasonable doubt the defendant is guilty of breaking and entering.

-Find for a verdict of not guilty when a reasonable doubt exists as to the guilt of the defendant.

Thank you very much for your time and cooperation.

APPENDIX C

Instructions to Jurors in the Two-Thirds Majority Condition

Now that you have viewed the trials and recorded your feelings about the case, you can begin to deliberate. Your job as a jury is to weigh all of the evidence and arrive at a majority verdict of at least four out of the six members concerning the charges against the defendant. At some time during the deliberation you should select a foreman, in any manner you see fit, to present the verdict of your jury. You may deliberate as long as you feel necessary, and your deliberation will be recorded.

The law requires that you reach any of the following decisions:

-Find for a verdict of guilty of trespassing only when beyond a reasonable doubt the defendant is guilty of trespassing.

-Find for a verdict of guilty of breaking and entering only when beyond a reasonable doubt the defendant is guilty of breaking and entering.

-Find for a verdict of not guilty when a reasonable doubt exists as to the guilt of the defendant.

Thank you very much for your time and cooperation.

Table 1

Analysis of Variance for Deliberation Time

Source of Variance	D.F.	S.S.	M.S.	F	Prob.
Mean	1,57	1422.0400	1422.0400	348.92	0.0000
Decision Rule	2,57	124.7413	62.3706	15.3035	0.0000
Unan./ FSixth	1,57	46.6560	46.6560	11.45	0.0013
Unan./ TThirds	1,57	122.5000	122.5000	30.06	0.0000
FSixth/ TThirds	1,57	17.9560	17.9560	4.41	0.0403
Error		232.3083	4.0756		

KEY

FSixth = Five-Sixths

TThirds = Two-Thirds

Unan. = Unanimous

Table 2

Juror Verdict Preferences

	Predeliberation	Postdeliberation
Mean	2.3750	2.3170
Unanimous		
S.D.	0.5196	0.4671
Mean	2.2250	2.158
Five-Sixths		
S.D.	0.5098	0.4099
Mean	2.3080	2.3420
Two-Thirds		
S.D.	0.5152	0.5103

Table 3

Analysis of Variance for Verdict Preferences

Source	D.F.	S.S.	M.S.	F	Prob.
DELIBERATION	2, 356	(TSQ=9976.04)		6974.05	0.0000
Before	1, 357	1909.00	1909.00	7200.99	0.0000
After	1, 357	1858.68	1858.68	8623.11	0.0000
DECISION RULE	4, 712	(TSQ=13.4397)		3.34	0.0101
Before	2, 357	1.3556	0.6778	2.56	0.0790
After	2, 357	2.3733	1.1861	5.50	0.0044
UNAN. FSIXTHS	2, 356	(TSQ=7.7016)		3.84	0.0224
Before	1, 357	1.3500	1.3500	5.09	0.0246
After	1, 357	1.5402	1,5402	6.98	0.0086
UNAN. TTHIRDS	2, 356	(TSQ=2.6012)		1.30	0.2747
Before	1, 357	0.2667	0.2667	1.01	0.3116
After	1, 357	0.3750	0.3750	0.17	0.6769
FSIXTHX TTHIRDS	2, 356	(TSQ=9.8567)		4.91	0.0078
Before	1, 357	0.4167	0.4167	1.57	0.2108
After	1, 357	2.0167	2.0167	9.36	0.0024
Error Before		94.6417	0.2651		
After		76.9500	0.2155		

Alpha = 0.05

Table 4

Certainty of Verdict

	Predeliberation	Postdeliberation
Mean	6.2750	6.7420
UNANIMOUS		
S.D.	0.9870	0.6011
Mean	6.3000	6.8080
FIVE-SIXTHS		
S.D.	1.0660	0.6773
Mean	6.2170	6.7250
TWO-THIRDS		
S.D.	1.0470	0.6977
Mean	6.2640	6.7580
MARGINALS		
S.D.	1.0310	0.6591

Table 5

Analysis of Variance for Certainty of Verdict

Source	D.F.	S.S.	M.S.	F	Prob.
DELIBERATION	2, 356	(TSQ=40472.3)		20179.48	0.0000
Before	1, 357	14125.1	14125.1	13218.24	0.0000
After	1, 357	16443.0	16443.0	37748.20	0.0000
DECISION RULE	4, 712	(TSQ=1.2441)		0.31	0.9714
Before	2, 357	0.4389	0.2194	0.21	0.7578
After	2, 357	0.4667	0.2333	0.54	0.5858
UNAN. FSIXTHS	2, 356	(TSQ=0.6190)		0.31	0.7346
Before	1, 357	0.3750	0.3750	0.04	0.8515
After	1, 357	0.2667	0.2667	0.61	0.4345
UNAN. TTHIRDS	2, 356	(TSQ=0.1936)		0.10	0.9080
Before	1, 357	0.2042	0.2042	0.19	0.6623
After	1, 357	0.1667	0.1667	0.04	0.8450
FSIXTHS-TTHIRDS	2, 356	(TSQ=1.0534)		0.53	0.5919
Before	1, 357	0.4167	0.4167	0.39	0.5327
After	1, 357	0.4167	0.4167	0.96	0.3287
ERROR Before		381.4917	1.0686		
After		155.5083	0.4356		

Alpha = 0.05

Table 6

Analysis of Variance for Verdict Preferences

Source	D.F.	S.S.	M.S.	F	Prob.
DELIBERATION	2, 356	(TSQ=9976.04)		4974.05	0.0000
Before	1, 357	1909.00	1909.00	7200.99	0.0000
After	1, 357	1858.68	1858.68	8623.11	0.0000
DECISION RULE	4, 712	(TSQ=13.4397)		3.34	0.0101
Before	2, 357	1,3556	0.6778	2.56	0.0790
After	2, 357	2.3733	1.1861	5.50	0.0044
UNAN. FSIXTHS	2, 356	(TSQ=7.7016)		3.84	0.0224
Before	1, 357	1.3500	1.3500	5.09	0.0246
After	1, 357	1.5042	1.5042	6.98	0.0086
UNAN. TTHIRDS	2, 356	(TSQ=2.6012)		1.30	0.2747
Before	1, 357	0.2667	0.2667	1.01	0.3116
After	1, 357	0.3750	0.3750	0.17	0.6769
FSIXTHX TTHIRDS	2, 356	(TSQ=9.8567)		4.91	0.0078
Before	1, 357	0.4167	0.4167	1.57	0.2108
After	1, 357	2.0167	2.0167	9.36	0.0024
Error Before		94.6417	0.2651		
After		76.9500	0.2155		

Alpha = 0.05

Table 7

Certainty of Verdict

	Predeliberation	Postdeliberation
Mean	6.2750	6.7420
UNANIMOUS		
S.D.	0.9870	0.6011
Mean	6.3000	6.8080
FIVE-SIXTHS		
S.D.	1.0660	0.6773
Mean	6.2170	6.7250
TWO-THIRDS		
S.D.	1.0470	0.6977
Mean	6.2640	6.7580
MARGINALS		
S.D.	1.0310	0.6591

Table 8

Analysis of Variance for Certainty of Verdict

Source	D.F.	S.S.	M.S.	F	Prob.
DELIBERATION	2, 356	(TSQ=40472.3)		20179.48	0.0000
Before	1, 357	14125.1	14125.1	13218.24	0.0000
After	1, 357	16443.0	16443.0	37748.20	0.0000
DECISION RULE	4, 712	(TSQ=1.2441)		0.31	0.8714
Before	2, 357	0.4389	0.2194	0.21	0.7578
After	2, 357	0.4667	0.2333	0.54	0.5858
UNAN. FSIXTHS	2, 356	(TSQ=0.6190)		0.31	0.7346
Before	1, 357	0.3750	0.3750	0.04	0.8515
After	1, 357	0.2667	0.2667	0.61	0.4345
FSIXTHS-TTHIRDS	2, 356	(TSQ=0.1936)		0.10	0.9080
Before	1, 357	0.4167	0.4167	0.39	0.5327
After	1, 357	0.4167	0.4167	0.96	0.3287
ERROR Before		381.4917	1.0686		
After		155.5083	0.4356		

Alpha = 0.05